

**OPINION**  
**56-123**

November 21, 1956            (OPINION)

LABOR

RE: Dispute - Who May Be Representatives

We have received your request for an opinion dated November 20, 1956.

In a labor dispute before your board the union has taken the position that it represents a majority of the employees of the four establishments involved in the labor dispute, and have requested that the union be certified as representatives of the employees. The union further asked that if the board is unwilling to so certify that an election be held to determine whether or not a majority of the employees do in fact desire that the union represent them. The employers claim that their employees are not interested in union representation and therefore they should not be forced to such election.

You then ask whether the language of section 34-1005 of the 1953 Supplement is mandatory and requires the board to call an election, or merely permissive and the election left to the discretion of the board.

It is our opinion that if an election is requested by either party to a labor dispute the board must comply with such request. It would seem that if the facts are as the employers say that the best and quickest way to prove their point is to let the employees vote on union representation.

LESLIE R. BURGUM

Attorney General